

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 21ST DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam		Date: March 3, 2005
Court Clerk: B. Graves, W. Anderson		Department: 53 Time: 9:03 a.m.
Reporter/Tape: K. Garcia, D. Dedmon		
Bailiff: H. Franco, G. Ozburn		

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
Defendant: Marcus Delon Wesson	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones, Chief Deputy Public Defender Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per

Pursuant to adjournment of March 2, 2005, Court reconvenes at 9:03 a.m. The People, represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with his counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state they are ready to proceed.

Chief Deputy District Attorney, Lisa Gamoian, request that the Court order back the following witnesses: Kiani Wesson and Elizabeth Wesson.

Court orders Kiani Wesson to provide her phone number to the district attorney's office today by 4:00 p.m. Court further orders Kiani Wesson to return to court on 3/8/05 at 9:00 a.m.

Court orders Elizabeth Wesson to return to court on 3/9/05 at 9:00 a.m.

Pursuant to Evidence Code Section 777(c), Lisa Gamoian, Chief Deputy District Attorney designates Detective Douglas Reese as her Chief Investigating Officer. Court does so designate and allows Detective Reese to remain at counsel table.

The jury panel is brought into the courtroom at 9:07 a.m and the trial proceeds.

Court gives a brief admonishment to the jurors regarding - "Confidentiality", and to not discuss the case to any member of the media or public.

Lisa Gamoian, Chief Deputy District Attorney, makes an opening statement to the jury on behalf of the people beginning at 9:10 a.m.

Court admonishes the jury and takes a brief recess. Outside the presence of the jury, defense counsel, Rafael Torres, states on the record of his motion for a continuing objection as to the deputy district attorney arguing the case during her opening statement. Lisa Gamoian, Chief Deputy District Attorney argues the matter and submits. Court admonishes Lisa Gamoian to not argue the case during her opening statement to the jury.

Court stands in recess at 9:50 a.m.

Court reconvenes at 10:00 a.m. with all parties present including the defendant, and the jury in their seats.

Lisa Gamoian, Chief Deputy District Attorney continues with her opening statement to the jury beginning at 10:00 and completes her opening statement on behalf of the people at 10:12 a.m.

Court admonishes the jury and breaks for the scheduled recess at 10:12 a.m.
Court reconvenes at 10:40 a.m. with all parties present in the court including the defendant, Marcus Delon Wesson, and state that they are ready to proceed.

Court reporter Denise Dedmon replaces Kristi Garcia at 10:40 a.m.

The jury is brought into the courtroom at 10:40 a.m. and the opening statements resume.

Rafael Torres, Deputy Public Defender makes an opening statement to the jury on behalf of the defendant, Marcus Delon Wesson, beginning at 10:41 a.m.

Court takes a recess at 11:04 a.m and asks that counsel go back in chambers to discuss matters in camera.

At 11:05 a.m., Court, counsel and court staff meet in chambers. (Defendant, Marcus Delon Wesson remains in the courtroom wearing a electronic headset). Counsel argue the issues as stated on the record. Court makes a ruling with regards to the issues and orders the transcript of the in chambers hearing be sealed.

Court and counsel reconvenes in the courtroom at 11:10 a.m. and the trial proceeds.

Court instructs the jury to disregard the last comment made by counsel before taking an in chambers hearing.

Attorney Rafael Torres, Deputy Public Defender resumes the opening statement to the jury on behalf of the defendant, Marcus Delon Wesson beginning at 11:11 a.m. and concludes with the opening statement at 11:58 a.m

Court admonishes the jury and recesses for the lunch break at 11:59 a.m. Court instructs the jury to return by 1:30 p.m

Outside the presence of the jury panel, Court rescinds amended media order and orders that the original media order will remain in full force and effect.

Court stands in recess at 12:00 p.m.

Court reconvenes at 1:30 p.m. with all parties present and the jury in their seats.

Officer Frank Nelson is sworn and testifies on behalf of the people on direct examination by the Lisa Gamoian, Chief Deputy District Attorney beginning at 1:32 p.m.

THE FOLLOWING PEOPLE'S EXHIBITS #17 - #35 ARE MARKED FOR IDENTIFICATION.

EXHIBIT #17, (BIRTH CERTIFICATE OF SEBHRENAH WESSON)
EXHIBIT #18, (BIRTH CERTIFICATE OF ELIZABETH WESSON)
EXHIBIT #19, (BIRTH CERTIFICATE OF JEVA WESSON)
EXHIBIT #20, (BIRTH CERTIFICATE OF SEDONA WESSON)
EXHIBIT #21, (BIRTH CERTIFICATE OF MARSHEY WESSON)
EXHIBIT #22, (BIRTH CERTIFICATE OF ETHAN WESSON)
EXHIBIT #23, (BIRTH CERTIFICATE OF ILLABELLE WESSON)
EXHIBIT #24, (BIRTH CERTIFICATE OF AVIV WESSON)
EXHIBIT #25, (BIRTH CERTIFICATE OF JONATHAN WESSON)
EXHIBIT #26, (PHOTO OF KIANI AND ROSA)
EXHIBIT #27, (PHOTO OF RUBY)
EXHIBIT #28, (PHOTO OF SEBHRENAH HOLDING AVIV)
EXHIBIT #29, (PHOTO OF KIANI AND RUBY)
EXHIBIT #30. (PHOTO OF SOFINA, SEBHRENAH, KIANI AND GYPSY)
EXHIBIT #31, (PHOTO OF RUBY AND ROSA)
EXHIBIT #32, (PHOTO OF MARCUS DELON WESSON WITH 4 CHILDREN)

EXHIBIT #33, (PHOTO OF MARCUS DELON WESSON WITH 8 CHILDREN)
EXHIBIT #34, (PHOTO OF KIANI AND SEBHRENAH)
EXHIBIT #35, (PHOTO OF MARCUS DELON WESSON WITH 8 CHILDREN)

Rafael Torres, Deputy Public Defender begins cross examination of Witness Frank Nelson starting at 2:09 p.m.

DEFENDANT EXHIBIT A, (FRESNO POLICE DEPARTMENT DISPATCH LOG #04-A15353) IS MARKED FOR IDENTIFICATION.

Court admonishes the jury and recesses at 2:43 p.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 3:04 p.m.

Court reconvenes at 3:04 p.m. with all parties present, and outside the presence of the jury panel, Court has counsel review a written copy of the "Court's Order (Admonition) to Jurors" which will be handed to the jury panel prior to adjourning for the evening tonight.

Court's Order (Admonition) to Jurors

3-3-05

REMEMBER:

You are not to converse among yourselves or with anyone else on any subject connected with this trial, or to form or express any opinion about this case until the cause is finally submitted to you, or you are discharged or released as a juror.

Do not try to talk with the parties, attorneys, or prospective witnesses involved in this case. They have been ordered not to talk with you.

Do not read, watch or listen to any accounts or discussions of the case reported by newspapers or other sources, electronic or otherwise.

You must not visit or view the premises or place where the crime or crimes charged were allegedly committed, or any other premises or place mentioned or involved in this case.

The jury will be the ultimate reporter when the jury arrives at a verdict.

The jury's ultimate report should not be tainted by what someone else has, at best, speculated about. Do not let some outside source reduce the value of your decision.

The jury is brought into the courtroom at 3:05 p.m. with all parties present and ready to proceed.

Officer Frank Nelson having been previously sworn, resumes the witness stand on behalf of the people, in cross examination by defense counsel, Rafael Torres at 3:06 p.m.

Defense counsel, Rafael Torres withdraws the previously asked question to witness Nelson prior to the recess.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination of Officer Frank Nelson at 3:17 p.m.

Rafael Torres, Deputy Public Defender, begins re-cross examination of Officer Frank Nelson at 3:32 p.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re re-direct examination of Officer Frank Nelson at 3:37 p.m.

Rafael Torres, Deputy Public Defender, begins re re-cross examination of Officer Frank Nelson at 3:38 p.m.

Witness Frank Nelson is excused at 3:38 p.m. and ordered subject to recall.

Sgt. Patrick Jackson is sworn and testifies on behalf of the people on direct examination. by Lisa Gamoian, Chief Deputy District Attorney beginning at 3:39 p.m.

Court orders Sgt Patrick Jackson to return on 3/7/05 at 9:00 a.m.

Court has the written admonition handed out to the jury panel.

Court orally admonishes the jury and adjourns court at 4:27 p.m. until 3/7/05 at 9:00 a.m. Outside the presence of the jury panel, Court and counsel confer regarding the schedule of issues to be taken up on 3/4/05.

Court stands in adjournment at 4:30 p.m. until 3/4/05 at 10:30 a.m. with counsel only.

Defendant remains in the custody of the Sheriff Department pending the next hearing date.

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